

MR2723-299

Application Serial No. 10/632,898

Responsive to Office Action dated 5 May 2004

**REMARKS/ARGUMENTS**

This case has been carefully reviewed and analyzed in view of the Official Action dated 5 May 2004. Responsive to the rejections made in the Official Action, Claim 1 has been amended to clarify the combination of elements that form the invention of the subject Patent Application. Additionally, Claims 2-20 have been canceled by this Amendment.

In the Official Action, the Examiner rejected the Specification under 35 U.S.C. § 112, first paragraph, because the Specification was replete with terms which were not clear, concise, and exact. Accordingly, a Substitute Specification has been prepared to correct the numerous grammatical, translational, and idiomatic errors found therein. A clean copy of the Substitute Specification and Abstract are attached to this Amendment in compliance with 37 C.F.R. § 1.125. The Substitute Specification includes the same changes as are indicated in the marked-up copy of the original Specification. It is believed that the subject matter disclosed in the Substitute Specification was previously disclosed in the Specification and Claims, as filed, and the accompanying Drawing Figures. No new matter has been added by these changes.

In the Official Action, the Examiner rejected Claims 1-3, 13-14, 17, and 20 under 35 U.S.C. § 102, as being anticipated by Kazemzadeh, U.S. Patent #6,088,957.

Before discussing the reference relied upon by the Examiner, it is believed beneficial to first briefly review the structure of the invention of the subject Patent

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Application, as now claimed. The invention of the subject Patent Application is directed to a plant growing device for growing plants. The device includes a seed fixing film. The seed fixing film is formed of a dissolvable material adapted for blocking growth of grass. The fixing film material has at least one of a seed preservative, insecticide, and bacteria added thereto. The device also includes a plurality of seeds equidistantly disposed on the seed fixing film. In contradistinction, the Kazemzadeh reference discloses a seed-containing fertilizer package. As shown in Fig. 3A, a plurality of seeds 3 may be disposed at predetermined intervals along a carrier roll 6. The carrier is formed of biopolymers that form a continuous matrix that will dissolve with ample amounts of water to release the nutrients contained therein.

However, nowhere does the reference disclose or suggest that the matrix blocks the growth of grass. Further, the reference does not disclose the inclusion of a seed preservative, insecticide, or bacteria. Therefore, as the reference fails to disclose each and every one of the elements of the invention of the subject Patent Application, it cannot anticipate that invention. Further, as the reference fails to suggest such a combination of elements, it cannot make obvious that invention either.

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For all the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

FOR: ROSENBERG KLEIN &amp; LEE



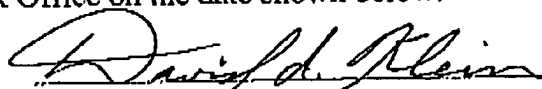
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